

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JESUS SOTO-OZUNA,)
Petitioner,)
)
vs.) Case No. 1:14-cv-0746-TWP-DML
)
UNITED STATES OF AMERICA.)

Entry Discussing Request to Proceed on Appeal *In Forma Pauperis*

The petitioner seeks leave to proceed on appeal without prepayment of the appellate fees of \$505.00. An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915; *see Coppedge v. United States*, 369 U.S. 438 (1962). "Good faith" within the meaning of § 1915 must be judged by an objective, not a subjective, standard. *See id.*

The petitioner is appealing the denial of his motion to amend his section 2255 motion, a non-final order. In pursuing an appeal, therefore, the petitioner "is acting in bad faith . . . [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit." *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). Accordingly, his appeal is not taken in good faith, and for this reason his request for leave to proceed on appeal *in forma pauperis* [dkt. 14] is **denied**.

IT IS SO ORDERED.

Date: 4/13/2015



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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